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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner	I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the
William F. McKay) Bruce Edward Snow	Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee"
Serial No. 10/634,711) Group Art Unit 3738	Mailing Label No.EV 394103438 US April 4, 2005
)	(Date of Deposit) Charles P. Schmal
Filed August 5, 2003) August 5, 2003)	Name of Registered Representative
OCTEOCENIC ENGLON DEVICE)	Signature / April 4, 2005
OSTEOGENIC FUSION DEVICE)	Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B). A legible copy of each foreign patent document and publication listed on the PTO-1449 form is enclosed. This Information Disclosure Statement is submitted after the 1st Office Action on the merits and prior to the mailing date of a final Office Action or Notice of Allowance, and thus a fee of \$180.00 (set forth in 37 CFR §1.17(p)) is enclosed. For each non-English language reference listed on the attached form PTO-1449, DE 4409836 A, reference is made to, a copy of a related patent publication, WO 95/25483 A1, submitted herewith which contains a concise explanation its English language abstract.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

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Respectfully submitted,

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(317) 634-3456

Doc. No. 338770 WEMMH/SB/08A (4/03)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of

	Complete if Known	
Application Number	10/634,711	
Filing Date	August 5, 2003	
First Named Inventor	William F. McKay	
Group Art Unit	3738	_
Examiner Name	Bruce Edward Snow	
Attornev Docket Number	4002.3365	

	U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.¹	Document Number Number-Kind Code ² (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ ⁶
		DE 4409836 A	09-28-1995	Draenert		X
		EP 0577179 A	01-05-1994	Bristol-Myers		
		WO 91/06266 A	05-16-1991	Surgical Dynam		
		WO 95/25483 A1	09-28-1995	Draenert		Х
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Complete if Known 10/634,711 **Application Number** Filing Date August 5, 2003 First Named Inventor William F. McKay Group Art Unit 3738 **Examiner Name Bruce Edward Snow** 4002-3365 Attorney Docket Number

	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T²
		Minns, R.J. "Preliminary Design and Experimental Studies of a Novel Soft Implant for Correcting Sagittal Plane Instability in the Lumbar Spine" <u>SPINE</u> Vol. 22, Number 16, pp. 1819-1827 (1997)	
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